

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Truth-in-Billing
and
Billing Format

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) CC Docket No. 98-170
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TELIGENT, INC. PETITION FOR LIMITED AND TEMPORARY WAIVER

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Pursuant to Section 1.3 of the Commission's rules, Teligent, Inc. ("Teligent"), by its attorneys, hereby respectfully requests a limited and temporary waiver of Section 64.2001(c)¹ of the Commission's rules concerning certain truth-in-billing and billing format requirements until June 1, 2000. Pursuant to Section 1.3 of the Commission's rules, the Commission may waive any rule, in whole or in part, for good cause.² Teligent is aware that the Commission delayed the effective date until April 1, 2000 of its truth-in-billing and billing format requirements relating to highlighting of new service providers and

¹ 47 C.F.R. § 64.2001(c) ("Where a bill contains charges for basic local service, in addition to other charges, the bill must distinguish between charges for which non-payment will result in disconnection of basic, local service, and charges for which non-payment will not result in such disconnection. The carrier must explain this distinction to the customer, and must clearly and conspicuously identify on the bill those charges for which non-payment will not result in disconnection of basic, local service. Carriers may also elect to devise other methods of informing consumers on the bill that they may contest charges prior to payment.").

² 47 C.F.R. § 1.3.

identification of deniable and non-deniable charges.³ Teligent is also aware that the Commission granted a limited waiver of certain of its truth-in-billing and billing format rules until April 1, 2000 for carriers whose billing contractors are unable to complete the computer programming tasks necessary for compliance within the requisite period of time.⁴ However, given the technical infeasibility of Teligent's full compliance with certain of the Commission's rules by April 1, 2000 and Teligent's extraordinary and good faith efforts to meet the April 1, 2000 deadline, Teligent seeks a limited and temporary waiver of Section 64.2001(c) until June 1, 2000, by which time Teligent is certain that the technical obstacles to compliance with the Commission's rules will have been overcome.⁵

Section 64.2001(c) requires that a carrier's bill distinguish between charges for which non-payment will result in

³ "Enforcement Division of the Common Carrier Bureau Announces Effective Date of Truth-in-Billing Requirements in CC Docket 98-170," CC Docket No. 98-170, *Public Notice*, DA 99-2030 (rel. Sep. 30, 1999).

⁴ Truth-in-Billing and Billing Format, CC Docket No. 98-170, *Order Granting, In Part, Temporary Waivers*, DA 99-3010 (rel. Dec. 27, 1999) ("Temporary Waiver Order").

⁵ Teligent filed with the Commission a Petition for Limited Waiver of these rules in this docket on September 3, 1999. The Commission has neither acted on the Petition nor acknowledged the receipt thereof. Teligent files this Petition today in the event that its original Petition was overlooked. However, Teligent respectfully seeks to make the Commission aware that the Petition filed today does not represent Teligent's first attempt to inform the Commission of the technical infeasibility of meeting the deadline for compliance with Section 64.2001(c) of the Commission's rules.

disconnection of basic, local service, and charges for which non-payment will not result in such disconnection. The carrier must explain this distinction to the customer, and must clearly and conspicuously identify on the bill those charges for which non-payment will not result in disconnection of basic, local service. Teligent understands and agrees with the Commission's rationale for adopting this requirement.⁶ Indeed, Teligent is making every reasonable effort to comply with this requirement as quickly as possible. However, Teligent's billing vendor informs it that the requisite deniable/non-deniable distinctions will not be available on customer's paper bills until June 2000.

To understand Teligent's need for a limited and temporary waiver and the extent of its compliance efforts, one must have some understanding of Teligent's billing systems. Teligent presently maintains two billing formats: electronic (e-magine™) and paper-based. Both formats derive their basic information from the same billing database, which is operated by Teligent's billing vendor. Teligent does not own the source code for its billing system and, therefore, cannot make revisions to bill formats that require source code changes without assistance from its billing vendor.

⁶ See Truth-in-Billing and Billing Format, CC Docket No. 98-170, *First Report and Order and Further Notice of Proposed Rulemaking*, FCC 99-72 at ¶¶ 44-48 (rel. May 11, 1999).

Approximately one year ago, Teligent and its billing vendor began planning an upgrade to Teligent's billing system from version 3.2.1 to version 3.6. Implementation has begun but has not been completed. This upgrade includes all of the features required by the Commission's rules and more. Teligent's billing vendor informs Teligent that the earliest that customer bills will reflect the upgrade changes is in the June 2000 customer bills.

Teligent has been able to make some of the required changes on its own. In fact, Teligent's electronic billing system already is in full compliance with the Commission's truth-in-billing and billing format rules. For example, Teligent itself changed its electronic billing format to identify and distinguish between deniable/nondeniable customer charges, to provide a toll-free number to contact Teligent with any questions or inquiries, to provide an on-line method of disputing charges, and to provide a clear, brief, plain language description of each service rendered to the customer. These revisions were accomplished through text changes to the electronic billing system rather than through source code changes, thereby eliminating Teligent's reliance on its billing vendor.

Every Teligent customer has the option of using an electronic billing format and, therefore, every Teligent customer has access to a bill that complies fully with the Commission's truth-in-billing requirements. The Commission has expressed its goal of ensuring that consumers have access to the information

they need to make informed choices among telecommunications services and providers, to protect themselves against inaccurate and unfair billing practices, and to enhance their ability to detect cramming and slamming. Every Teligent customer has access to the requisite information in electronic form. However, Teligent does not wish to force customers to adopt electronic billing formats if they remain more comfortable with paper formats and find the additional information available in the electronic format unnecessary prior to June 2000.

Indeed, some customers choose to receive their bills exclusively in paper format. Unlike edits to the electronic system, revisions to the paper bills require changes to the billing system source code. Consequently, Teligent is unable to make those changes itself and must rely on its billing vendor for these revisions. The paper bills already provide a toll-free number for customer billing disputes and brief, clear, plain language descriptions of services rendered. However, Teligent's billing vendor informs it that paper bills will be unable to identify and distinguish between deniable and non-deniable charges until June 2000.

Teligent has investigated and tested the possibility of making in-house table changes to the customer paper bills to identify and distinguish between deniable and non-deniable charges for the interim period. However, this process proved so unwieldy and unreliable that Teligent concluded that it was not a viable option.

The problem is compounded by Teligent's Year 2000 ("Y2K") compliance efforts. To ensure the complete reliability of its operations, Teligent has frozen all software changes affecting its operational systems from sixty days prior to January 1, 2000 until sixty days following January 1, 2000 as a matter of corporate policy. This freeze is intended to eliminate unintended Y2K compliance failures that software changes may otherwise present. This freeze and the corresponding focus of Teligent's engineers on Y2K compliance diverts resources from accomplishing the requisite revisions to its billing system.

As a result, Teligent seeks a limited and temporary waiver until June 2000 to comply with Section 64.2001(c) in its paper customer bills. The Commission has authority to waive its rules if special circumstances warrant and such waiver will serve the public interest.⁷ Teligent submits that the devotion of resources involved in ensuring operational Y2K compatibility is a special circumstance and jeopardizing those compliance efforts by requiring strict compliance with Section 64.2001(c) of the Commission's rules would be contrary to the public interest. Moreover, given that Teligent will maintain an operational electronic billing system that will provide all its customers with the requisite deniable/non-deniable billing information upon inquiry, the Commission's public interest goals underlying

⁷ See Northeast Cellular Telephone Co. v. F.C.C., 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing WAIT Radio v. F.C.C., 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

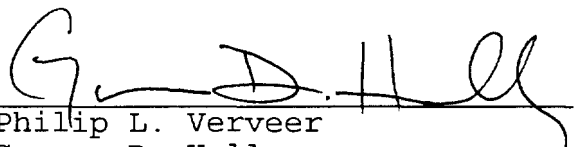
Section 64.2001(c) will continue to be achieved if the limited and temporary waiver is granted.

For the foregoing reasons, Teligent respectfully requests a limited and temporary waiver of Section 64.2001(c) of the Commission's rules until June 2000 as applied to Teligent's paper bills.

Respectfully submitted,
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